

***NCLT, KOCHI*****Daily Orders – Draft**

In the Bench of: Shri Ashok Kumar Borah, Member (Judicial)

**Date: 24th Sept 2020**

**1 CA/59/KOB/2020**

Learned counsel for the appellant Shri Nebil Nizar appeared in the VC. Orders pronounced. CA/59/KOB/2020 is disposed of vide separate order.

**2 IA/105/KOB/2020 IN IBA/25/KOB/2020**

Learned counsel for the Applicant/Corporate Debtor Shri Jithin Saji Issac as well as learned counsel for the Financial Creditor appeared in the VC. Heard. IA/105/KOB/2020 is disposed of vide separate order.

**3 IBA/25/KOB/2020**

Learned counsel for the Applicant/Corporate Debtor Shri Jithin Saji Issac and learned counsel for the Financial Creditor Shri Leo George appeared in the VC. Since the IA/105/KOB/2020 filed by the Corporate Debtor has been dismissed, the CD is directed to file their counter in the IBA within 2 weeks positively. Thereafter the Applicant/Financial Creditor may file the rejoinder, if any. Next date fixed for hearing. It is expected that both the parties will co-operate for the early disposal of this matter. List on 15.10.2020 for final hearing.

**4 CA/63/KOB/2020**

Learned counsel for the appellant Shri Abraham Mathew appeared in the VC. He submitted that the Appellant Company is an ongoing concern. I have heard learned counsel for the Appellant and thoroughly perused the records. Registry is directed to issue notice to ROC through special messenger for his report. List on 6.10.2020.

**5 CA/64/KOB/2020**

Learned counsel for the Applicant Shri P.Sanjay, learned counsel for R2, R3 and R5 Shri Sukumar Oommen and learned PCS for R4 Shri Zibi Jose appeared in the VC. Shri Sherry Oommen, Advocate filed the Vakkalath for R1. None has appeared for R6.

This CA is filed by the Applicant under Section 59(1) of the Companies Act, 2013 for rectification of Register of Members. The Applicant alleged that there was an illegal transfer of 4102 shares held by R2 in his capacity as Karta (HUF) to the individual name of R2 in the R1 Company. Shri P. Sanjay, learned counsel for the applicant sought interim relief to suspend the voting power and all other rights attached to the said 4102 shares until disposal of this CA. Shri Sukumar Oommen vehemently opposed the interim relief sought by the applicant and submitted that the CA is not maintainable in view of the fact that all affected parties have not been made parties in this CA. He submitted that he will be filing the counter shortly. Learned PCS for R4 supported the arguments of the learned counsel for the applicant. I have heard the learned counsel for both the parties and thoroughly perused the whole records produced along with the CA. I think it would be justified to pass orders on interim relief only after perusal of the counter. Therefore, respondents may file their counter within two weeks. The Applicant is directed to issue fresh notice to R6 through email and Registered Post with A/D and submit proof of service with an affidavit in this Tribunal before the next date fixed. Registry is also directed to issue notice to R6 through email in addition to normal procedure. List on 22.10.2020.

**6 MA/141/KOB/2020 IN MA/33/KOB/2019 IN MA/12/KOB/2019 IN CP(IB)/91/CB/2018**

Learned counsel for the Applicant/Liquidator Ms Midhuna KC and Merin Thaliath appeared in the VC. Heard the arguments of the Learned counsel for the Applicant. Orders reserved. List for pronouncement of orders on 29.9.2020.

**7 IA/143/KOB/2020 & IA/144/KOB/2020 IN TIBA/19/KOB/2019**

**IA/143/KOB/2020**

Learned RP Shri Jasin Jose appeared in the VC. This IA is filed by the RP with the prayer to appoint Mr. Kizhakkekara Kuriakose Jose, Insolvency Professional as authorized representative for the Home Buyers in view of the same having been unanimously indicated/selected by the Home buyers who have submitted their claims in Form CA under sub-regulation (1) of Regulation 12 with IRP. But it is seen that the aforesaid Form CA has not been attached along with the Application. RP submitted that he will file Form CA within 2 weeks. He may do so. List on 15.10.2020.

**IA/144/KOB/2020**

This is an IA filed by the RP with the prayer to exclude the stay period of 73 days and lock down period of 132 days from the CIR process period and to extend the CIR Process period up to 11.12.2020 (180 days). The application is allowed. The RP is directed to complete the Corporate Insolvency Resolution Process on or before 11.12.2020. **IA/144/KOB/2020 is disposed of separately.**

**8 IBA/13/KOB/2020**

Learned counsel for the applicant/Financial Creditor Ms Jayanthi K. Shah as well as learned counsel for the Corporate Debtor Shri P.V.George appeared in the VC. Both the parties submitted that the matter has been settled amicably and Form FA has been filed. RP submitted an email stating that he has received the fees. Heard both the parties. Orders pronounced. IBA/13/KOB/2020 is disposed of vide separate sheets.

**9 IA/99/KOB/2020 IN IA/66/KOB/2019 IN TCP/22/KOB/2019**

Learned counsel for the applicant Shri Sivashankar R. Panicker submitted an email seeking an adjournment. Learned counsel for the respondents as well as learned counsel for the Administrator submitted an email stating willingness to appear through VC. Adjourned to 16.10.2020.

**10 IA/100/KOB/2020 IN TCP/22/KOB/2019**

Learned counsel for the applicant Shri Sivashankar R. Panicker submitted an email seeking an adjournment. Learned counsel for the respondents Shri C.S.Ajith Prakash as well as learned counsel for the Administrator Shri Manuel Vivera submitted an email stating willingness to appear through VC. Adjourned to 16.10.2020.

**11 TCP/22/KOB/2019 WITH IA/150/KOB/2020**

Learned counsel for the petitioner Shri C.S.Ajith Prakash as well as learned counsel for the Administrator Shri Manuel Vivera submitted an email stating willingness to appear through VC. Learned counsel for the respondents Shri Sivashankar R. Panicker submitted an email seeking an adjournment. IA/150/KOB/2020 is filed by the petitioners under Section 167, 168, 169, 242(2)(A)(H) & (M) & 242(4) of the Companies Act 2013 read with Rule 11, 79 and 81 of the NCLT Rules, 2016. Respondents may file counter to the IA before the next date fixed. Adjourned to 16.10.2020.

**12 IA/43/KOB/2019 ,IA/44/KOB/2019 & IA 68/KOB/19 IN TCP/55/KOB/19**

No response from the Applicant. Learned counsel for the Respondents Shri Joseph Kodianthara (R1) and Shri Akhil Suresh (R2 to R5) sought an adjournment through email. List on 11.11.2020.

**13 TCP/55/KOB/19**

Learned counsel for the petitioner sought an adjournment through email. Learned counsel for R1 sought an adjournment through email. No response from R2 to R5. List on 11.11.2020

**14 CA/56/KOB/2020**

Learned counsel for the PCA Ms. Lekshmi appeared in the VC. She submitted that the Appellant Company is an ongoing concern. Report of the ROC is on record. Orders reserved. List for pronouncement of orders on 5.10.2020.

**15 IBA/01(KOB)/2020**

Learned counsel for the Financial Creditor Shri C.P.Anil Raj as well as learned counsel for R1 to R3 Shri P.V.George and learned counsel for R4 Shri Sivasankar G appeared in the VC. Arguments concluded. Orders reserved. List for pronouncement of orders on 15.10.2020.